

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 8, 1909.

Senate met pursuant to adjournment,
Lieutenant Governor A. B. Davidson
presiding.

Roll call, quorum present, the fol-
lowing Senators answering to their
names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Harper.	Terrell of Bowie.
Paulus.	Weinert.
Real.	

Prayer by the Chaplain, Rev. H. M.
Sears.

Pending the reading of the Journal
of yesterday, on motion of Senator Per-
kins, the same was dispensed with.

EXCUSED.

On account of important business:
Senator Alexander for last Thursday
and Friday, on motion of Senator Hud-
speth.

SIMPLE RESOLUTION.

By Senator Meachum:

Whereas, The members of the Senate
of Texas, together with those of the
House, have had the honor to be the
recipients of two days' splendid enter-
tainment by the good people of Houston,
Texas; who have spared nothing to make
our visit pleasant; and

Whereas, We desire to testify to their
unexcelled hospitality in the reception
accorded us, and to express our deep
and lasting appreciation of the many
courtesies bestowed; therefore, be it

Resolved by the Senate of Texas, That
we hereby convey to the Hon. H. B. Rice,
mayor of Houston, and through him to
the splendid citizenship of that hospi-

table city our sincere thanks for their
generous kindness upon the occasion of
our recent visit and to assure them we
will ever cherish, in grateful remem-
brance, the many pleasant moments
spent within their splendid city during
our stay; and

We desire further to congratulate the
city of Houston upon the many evi-
dences of progress and prosperity which
it exhibits, and bid it go forward to
the accomplishment of its manifest des-
tiny as the zenith city of the unsalted
southern seas; and be it further

Resolved, That we express our appre-
ciation of the unstinted efforts of the
able "Senator from Harris," Hon. F.
Charles Hume, in providing for our
comfort and pleasure.

MEACHUM,
SENER,
PERKINS.

On motion of Senators Perkins and
Meachum, the resolution was unani-
mously adopted.

Here Senator Hudspeth moved that
the speeches of Senators Meachum, Sen-
ter and Adams relative to the above
resolution be printed in the Journal and
copies of same furnished the press.

The motion prevailed.

BILLS AND RESOLUTIONS.

By Senator Stokes:

Senate bill No. 167, A bill to be entitled
"An Act to amend Article 1264 of the
Revised Statutes of 1895 and to fix the
time of filing an answer in all cases
where the defendant is cited by pub-
lication."

Read first time, and referred to Judi-
ciary Committee No. 1.

By Senator Hudspeth:

Senate bill No. 168, A bill to be entitled
"An Act to amend Title 17, Chapter
5 of the Penal Code of the State of
Texas by adding thereto Article 825a
prohibiting the cutting of wood, trees
or shrubs suitable for fuel, or other use-
ful purposes from the inclosed lands of
another; providing a penalty for a vio-
lation thereof, and declaring an emer-
gency."

Read first time, and referred to Judi-
ciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 169, A bill to be entitled
"An Act to name the several counties
composing the Thirty-third and the
Fifty-first Judicial Districts of the

State of Texas, and to fix the time for holding the district courts therein and to repeal an act entitled 'An Act to name the several counties composing the Fifty-first Judicial District and to fix the time for holding the district courts therein, and to repeal all laws and parts of laws in conflict herewith,' Chapter 72, General Laws of the State of Texas, page 98, passed by the Twenty-eighth Legislature, and to repeal Section 2 of an act entitled 'An Act to amend an act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts of the State of Texas, and to fix the time for holding court therein,' as passed by the Twenty-seventh Legislature, Chapter 64, page 133, and to repeal all laws and parts of laws in conflict therewith, passed by the Twenty-ninth Legislature, Chapter 37, page 47, in so far as the latter act conflicts with the provisions of this act relating to the organization of the Thirty-third Judicial District of the State of Texas."

Read first time, and referred to Committee on Judicial Districts.

By Senator Hudspeth (by request):

Senate bill No. 170; A bill to be entitled "An Act to provide that fraternal beneficiary associations whose liabilities already accrued exceed their assets shall be deemed insolvent, and to prohibit such associations from transacting business in this State, and to provide for winding up their affairs, and providing penalties for violation of this act."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senators Bryan and Hudspeth:

Senate Joint Resolution No. 6, To amend Article 11, Sections 4 and 5 of the Constitution of the State, authorizing cities and towns within the State of Texas to be incorporated by special act where the population exceeds 5000 inhabitants.

Read first time, and referred to Committee on Constitutional Amendments.

Morning call concluded.

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 105, "An Act to incorporate the city of Marshall, and to grant it a new charter, and to repeal

all pre-existing charters, and declaring an emergency."

Senate Concurrent Resolution No. 2, To authorize and empower the Superintendent of Public Buildings and Grounds to rearrange and make certain changes in the room occupied by the Secretary of the Railroad Commission.

HOUSE BILL NO. 43.

The Chair laid before the Senate, on second reading and pending business,

House bill No. 43, A bill to be entitled "An Act making it the duty of the Secretary of State to furnish public libraries in this State that request same, copies of all public documents."

The question on the bill was the following pending amendment by Senator Willacy:

Amend by adding the following to Section 1: "Provided, the Secretary of State shall charge such fee for all such documents, sufficient to cover the expense imposed upon the Department of State resulting under this act."

Senator Senter offered the following substitute for the amendment:

Amend the bill by striking out all after the word "every," in line 21, and substitute the following: "Report issued by the various State departments, institutions, boards and commissions, and the Journals of the Senate and House of Representatives."

The substitute amendment was adopted, and

The amendment, as substituted, was adopted.

Senator Meachum offered the following amendment:

Amend the bill by adding after the word "Representatives," in line 24, the words, "Provided, that any public library applying for such reports shall, before receiving same, pay to the Secretary of State the actual cost of printing such report, to be fixed by the Secretary of State."

The amendment was adopted by the following vote:

Yeas—16.

Adams.	Murray.
Brachfield.	Peeler.
Greer.	Perkins.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Veale.
Mayfield.	Ward.
Meachum.	Watson.

Nays—9.

Alexander.	Masterson.
Bryan.	Senter.
Cofer.	Thomas.
Hayter.	Willacy.
Holsey.	

Absent.

Harper.	Terrell of Bowie.
Paulus.	Terrell of McLennan.
Real.	Weinert.

Senator Murray offered the following amendment:

Amend the bill by striking out the enacting clause.

The amendment was adopted, which killed the bill.

SENATE BILL NO. 49.

Senate bill No. 19 being special order for this hour, the Chair laid same before the Senate, and

On motion of Senator Brachfield, the special order of business (Senate bill No. 19) was suspended, and the Senate took up, out of its order, Senate bill No. 49 by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Masterson.	Watson.
Mayfield.	Willacy.
Meachum.	

Absent.

Harper.	Real.
Kellie.	Terrell of Bowie.
Paulus.	Weinert.

The Chair laid before the Senate, on second reading,

Senate bill No. 49, A bill to be entitled "An Act to require common carriers engaged in moving commerce in the State of Texas to use locomotives which are equipped with ash pans that can be dumped or emptied and cleaned without the necessity of any employe going under such locomotive, and providing penalties for violations of the provisions of such act."

The bill was read second time, and ordered engrossed.

Senator Brachfield moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 19.

The Chair laid before the Senate, on second reading,

Senate bill No. 19, A bill to be entitled "An Act to provide for the location and establishment of a factory for the manufacture of cotton bagging, cotton sacks and cotton twine by a board of management of the State penitentiary, for the employment of managing experts and of certain State convicts in the operation of said factory, and to make an appropriation therefor."

Senator Willacy offered the following amendment, which was read and adopted:

Amend by striking out the word "directors," in line 1, Section 4, page 2, and inserting the word "managers," in lieu thereof.

Senator Senter offered the following amendment:

Amend the bill by adding a new section to be numbered 4, and renumbering Sections 4, 5 and 6 as Sections 5, 6 and 7, said new Section 4 to read as follows:

"Section 4. The judge of any district court wherein a minor under sixteen years of age may be convicted of a felony, and the judges of the district and county court in which any child may be adjudicated to be a delinquent child under the provisions of the law relating thereto shall have authority at his discretion to direct the commitment of such minor to said factory to be kept there and required to work and be instructed as a textile operator under rules and regulations to be made by the board of managers of the State penitentiary and approved by the Governor."

Pending discussion on the amendment, Senator Meachum raised a point of order on same, stating that it was not germane to the bill, citing the Constitution, Section 30, in support of his contentions, and argued the point of order at length.

The Chair, Lieutenant Governor Davidson, sustained the point of order, stating that, in his opinion, the amendment contained two subject matters.

Senator Senter then asked permission to withdraw the amendment.

Senator Alexander offered the following amendment:

Amend the bill by striking out the word "and," in line 15, page 1, and inserting a comma, and by adding after the word "directed," same line and page, the words, "and they are hereby required."

Pending.

POINT OF PERSONAL PRIVILEGE.

Here Senator Thomas arose to a point of personal privilege. Beginning his remarks he referred to the anti-lobby statute, stating that it was not being enforced, stating specifically that he had been "embarrassed, intimidated and in a sense molested."

Pending the former part of the remarks.

Senator Brachfield made a point of order that to speak to a personal privilege the matter had to be of a personal nature and not a general law.

Senator Thomas stated that he would confine his remarks to that of personal privilege.

The Chair overruled the point of order, stating that he could not determine what the Senator's contentions were until he had made his argument.

Following Senator Thomas' speech, Senator Meachum spoke in reply, and moved that the roll be called and each Senator answer "yea" or "nay" as to whether or not he had been "intimidated, embarrassed or molested" by any paid lobbyist, these being the specific charges made by Senator Thomas.

Pending discussion on the motion.

Senator Thomas moved, as a substitute, that the Chair appoint a special committee of three Senators to investigate the charges.

Pending further discussion.

Senator Hudspeth moved the previous question on both pending motions.

The previous question being seconded, was so ordered.

The substitute motion was lost, and the motion by Senator Meachum was then adopted.

The Chair then directed the roll called, stating the question that those who had been "intimidated, embarrassed and molested" should vote "yea," and those to the contrary "nay."

Following is the roll call:

Yeas—1.

Thomas.

Nays—24.

Adams.
Alexander.
Brachfield.
Bryan.

Cofer.
Greer.
Hayter.
Holsey.

Hudspeth.
Hume.
Masterson.
Mayfield.
Meachum.
Murray.
Peeler.
Perkins.

Senter.
Stokes.
Sturgeon.
Terrell of McLennan.
Veale.
Ward.
Watson.
Willacy.

Absent.

Harper.
Kellie.
Paulus.

Real.
Terrell of Bowie.
Weinert.

Senator Sturgeon then offered the following resolution:

Resolved, (1) That the President appoint a committee of three Senators to investigate the language and statements and charges made by the Senator from Hopkins as to the truth of the same, (2) and report back to the Senate its findings in one week.

STURGEON,
MEACHUM.

Senator Meachum offered the following amendment:

Amend (1) Said committee to have authority to summon, swear and examine under oath such witnesses as they may deem fit, and to this end to issue all necessary process.

Amend (2) And make such recommendations for action by the Senate as upon investigation they may deem appropriate.

The amendment was adopted, as was, also, the resolution as amended.

SPECIAL COMMITTEE.

In accordance with the above resolution, the Chair, Lieutenant Governor Davidson, announced the following as the committee provided for:

Senators Sturgeon, Meachum and Veale.

ADJOURNMENT.

On motion of Senator Hudspeth, the Senate, at 2 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 123, A bill to be entitled "An Act to amend Chapter 167, page 313 of the General Laws of the Thirtieth Legislature, which act sought here to be amended was 'An Act to create in the Department of Agriculture of Texas, a bureau of cotton statistics; prescribing the duties of the Commissioner of Agriculture, the county clerks, public ginners, and prescribing penalties for the violation of this act, and declaring an emergency,'"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Mayfield, Chairman; Holsey, Perkins, Willacy, Kellie, Cofer.

Committee Room,

Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 3, A bill to be entitled "An Act to better regulate the assessment and collection of taxes in cities and towns which have heretofore abolished or may hereafter abolish their corporate existence,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 15, A bill to be entitled "An Act to amend Article 994a, Chapter 12, Title 27 of the Revised Civil Statutes of the State of Texas, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room.

Austin, Texas, February 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 6, "An Act to prescribe the time and fix the terms for the holding of the terms of court in and for the Sixty-fourth Judicial District of Texas, and to conform all writs and process from such courts to such

changes, and to repeal all laws in conflict herewith,"

And find it correctly enrolled, and have this day, at 12 o'clock m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 129, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1900, and which have failed or are about to fail to construct their roads and branches or any part thereof within the time prescribed by law, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 58, A bill to be entitled "An Act to amend Article 2472 of Title 45 of the Revised Civil Statutes of the State of Texas, and providing an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,

Austin, Texas, February 8, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 43, A bill to be entitled "An Act to authorize the formation, creation and establishment of navigation districts to improve rivers, bays, creeks and streams, to construct and maintain canals and waterways to permit of navigation or in aid thereof, by the commissioners courts of the several counties in this State or by navigation boards; to provide for the creation and organization of navigation boards where a city or cities, or part or parts thereof, acting under special charter are included within the limits and boundaries of said navigation districts,

and defining the powers of such navigation boards; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts and authorizing the issuance of bonds and the levy of tax and the issuance of bonds in payment for such improvements and the maintenance thereof, and the levying and collecting of taxes for the payment of such bonds and interest and sinking fund thereon; the appointment of navigation and canal commissioners of such navigation districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such navigation districts or navigation and canal commissioners, and authorizing the navigation and canal commissioners to acquire by purchase, gift or grant for such district title to any right of way and other property; authorizing the navigation and canal commissioners to employ engineers, assistant engineers and other employes and to employ counsel; to enter into contracts for such improvement; to agree or co-operate with the government of the United States, the proper department or officer thereof for the carrying out of such improvements or the supervision of the same, and for all things necessary for the maintenance of such districts according to the provisions of this act; and providing for entering upon lands for surveys and for all the purposes of this act, and prescribing penalties for violations of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Veale:

Hereford, Texas, January 31, 1909.

On this, the 31st day of January, 1909, in pursuance to a call, the citizens of Hereford met in a mass meeting, and among other things done the following resolution was adopted by a rising vote and those voting were at the time counted and those voting for this resolution were 179, and no one voted against same.

Resolved by the people of Hereford, Texas, in mass meeting assembled, That we urge our State Senator, Hon. Jno. W. Veale, and our Representative, Hon. J. R. Bowman, to work for and stand by submission until same is finally passed; be it further

Resolved, That we express our confi-

dence in Hon. Sterling P. Strong, leader of the submission committee, and that we will stand by him in this work.

Resolved further, That a copy of these resolutions be sent to Hon. Jno. W. Veale, Hon. J. R. Bowman and the Dallas News.

Signed—S. T. Shore, President of Meeting; G. W. Barcus, Secretary of Meeting.

Senator Veale also presented a memorial as to reduction of railroad fares and for bill for the destruction of wild animals.

By Senator Terrell of McLennan:
Hon. H. B. Terrell, Austin, Texas.

Dear Sir: We, the undersigned farmers and taxpayers of Falls county, hereby protest against the passage of Texas Senate bill No. 11, House bill No. 97, House bill No. 93, Senate bill No. 19, particularly against the passage of Senate bill No. 9, which provides for an unjust, unreasonable and prohibitive license for itinerant venders of medicines. As free American citizens we wish to be able to purchase goods where we please, which would be impossible if this bill were passed. We consider that a license for itinerant venders of medicines, etc., should not exceed \$75 per annum in each county, where the business is transacted.

Numerously signed.

Senators Sturgeon and Bryan offered the following numerous signed petition from their respective districts:

Whereas, The Sabbath day is essential to the perpetuity of our civilization, the health and morals of our citizens; and

Whereas, The present laws of Texas are defective and inadequate; therefore, we, the undersigned citizens of the State of Texas, hereby petition the ensuing Legislature to change the present law:

1. That the penalty for the violation of this law shall be increased so as to eliminate fairs, shows and races of all kinds or any kind of an entertainment where an admission fee or compensation is charged or received.

2. When any public carrier makes a rate on Sunday, the same rate shall be made on some other day of that week.

By Senator Greer:

Gilmer, Texas, February 5, 1909.

We, the undersigned farmers and taxpayers of Upshur county, hereby protest

against the passage of Texas Senate bill No. 11, House bill No. 97, House bill No. 93, Senate bill No. 19, and particularly against the passage of Senate bill No. 9, which provides for an unjust, unreasonable and prohibitive license for itinerant venders of medicines. As free American citizens we wish to be able to purchase goods wherever we please, which would be impossible if this bill were passed. We consider that a license for itinerant venders of medicines, etc., should not exceed \$75 per annum in each county, and should be payable to the road and bridge fund in the county where the business is transacted.

Numerously signed.

By Senator Hume:

We, the undersigned citizens of the State of Texas, interested in the protection of the game of this State, and believing that we ought to have as stringent laws towards this end as possible, have considered the question of an amendment to the present game law looking to the matter of making the open season for shooting doves begin August 1, and have concluded that it is right and proper this should be done. The dove is distinctly a destroyer of grain and seed, and does not feast at all upon insects, and, therefore, is injurious rather than helpful to the planter and producer. In view of this situation, we trust the Legislature of the State of Texas will approve Senator F. Chas. Hume's bill which has been recently introduced in the Senate by him providing for the making of the open season for shooting doves in Texas begin August 1.

Numerously signed.

By Senator Thomas:

We, the undersigned business men, taxpayers and citizens of the city of Sulphur Springs, Texas, respectfully urge that you use all honorable means in your power to secure such an amendment to the anti-pass law as will permit duly elected delegates of our State Firemen's Association the use of free transportation to and from our annual conventions. We not only urge that you vote for this measure when presented, but fight for its adoption, even though our Governor may veto it.

Numerously signed.

By Senator Alexander:

We, the undersigned citizens of Fort Worth, Texas, believing a State training school for children to be a necessity for reclaiming incorrigibles, indorse the

bill providing for such an institution, as prepared by joint committees from the County Judges and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

We, the undersigned business men, taxpayers and citizens of the city of Weatherford, Texas, respectfully urge that you use all honorable means in your power to secure such an amendment to the anti-pass law as will permit duly elected delegates of our State Firemen's Association the use of free transportation to and from our annual conventions. We not only urge that you vote for this measure when presented, but fight for its adoption, even though our Governor may veto it.

Numerously signed.

By Senator Adams:

Several petitions from his district against Senate bill No. 9.

By Senator Ward:

The petition from the citizens of Waxahachie and members of the Volunteer Fire Department of the city of Waxahachie respectfully ask your support and influence as representative in securing the passage of the law or the amendment to the anti-pass law so as to permit the railroad companies to issue a pass or free transportation to the delegates of the Volunteer Fire Department of Texas to attend State conventions each year.

Numerously signed.

Hon. Pierce B. Ward, Austin, Texas:

We, the undersigned citizens of the town of Grandview, Johnson county, Texas, respectively solicit your best efforts to pass, in the upper House of Representatives, the law now before the Legislature to suppress race track gambling.

Numerously signed.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,

Tuesday, February 9, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names: